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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,362	11/01/2000	Kalyanaraman Ramnarayan	24737-1906B	4748
24961	7590	11/06/2003	EXAMINER	
HELLER EHRMAN WHITE & MCAULIFFE LLP 4350 LA JOLLA VILLAGE DRIVE 7TH FLOOR SAN DIEGO, CA 92122-1246			BRUSCA, JOHN S	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER

ART UNIT	PAPER
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3010

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Commissioner for Patent

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 03 October 2003.

The submission, however, is not fully responsive to the prior Office action because the amendment to claim 23 deletes the requirement for ab initio structure determination of proteins exhibiting genetic polymorphisms due to the amendment at lines 8-10 in which the phrase "generating 3-D protein structural variant models from the sequences" is deleted. In addition newly filed claims 50-53 recite the limitation in line 3 of claim 50 "determining a 3-D protein model based on a patient's gene sequence of a gene that exhibits polymorphisms" which is not drawn to the originally elected ab initio structure determination method because a structure determination "based on" a sequence is not the same as the originally claimed method of structure determination "from" a sequence because claims 50-53 are not limited to ab initio methods of structure determination. The applicants argue in their submission that the originally filed claim 23 is not limited to ab initio methods of structure determination. Such arguments are not persuasive since the phrase "generating 3-D protein structural variant models from the sequences" requires that the structure be generated from the sequence data rather than from experimentally determined measurements of protein molecules.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

John S. Brusca
Primary Examiner
Art Unit: 1631